

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

P.S – Pithapuram Municipality – Sri Md.Hussain, Sanitary Inspector, the then Nodal Officer for construction of individual toilets under ILCS Scheme in Pithapuram Municipality - Disciplinary proceedings instituted - Enquiry conducted – APAT orders dt.29.7.2011 in MA No.195/2011 in O.A.No.7118/2010 – Retaining the amount of 5% of the pension for a period of two years besides recovery of Rs.29,920/- from the DCRG – Orders – Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (L1) DEPARTMENT

G.O. Ms. No. 433

Dated:19-09-2011.
Read the following:-

1. G.O.Rt.No.544, MA & UD (L1) Dept., dated 26-05-2004.
2. G.O.Rt.No.1203, MA & UD (L1) Dept., dated 01-10-2007.
3. From Sri C. Nagaraja Rao, the then Addl. Director, O/o The C&DMA & Enquiry Officer Lr.Roc.No.23742/99/C1, dated 21-05-2008.
4. Govt. Memo.No.16004/L1/2002, dated 29-07-2008.
5. Explanation of Sri Md.Hussain, Sanitary Inspector(Retd) Pithapuram Municipality dated 4.3.2008.
6. Govt. Memo.No.16004/L1/2002, dated 10.9.2009.
7. From the Hon'ble APAT orders dt.8.10.2010 in O.A.No.7118/2010 filed by Md.Hussain, Sanitary Inspector(Retd).
8. From the Hon'ble APAT orders dt.29.7.2011 in MA No.195/2011 in O.A.No.7118/2010 filed by Md.Hussain, Sanitary Inspector(Retd).

ORDER

In the reference 1st read above, orders have been issued framing charges against Sri Md.Hussain, Sanitary Inspector, the then Nodal Officer for construction of individual toilets under ILCS Scheme in Pithapuram Municipality for alleged irregularities committed in implementation of ILCS Programme while he was working in Pithapuram Municipality.

2. In the reference 2rd read above, Sri C. Nagaraja Rao, the then Additional Director(UPA), O/o the Commissioner & Director of Municipal Administration was appointed as Enquiry Officer to enquire into the charges framed against Sri Md.Hussain, Sanitary Inspector, the then Nodal Officer, ILCS Scheme in Pithapuram Municipality.

3. In the reference 3rd read above, the Enquiry Officer has submitted his Enquiry Report and held that the charges framed against Sri Md.Hussain, Sanitary Inspector, the then Nodal Officer, ILCS Scheme in Pithapuram Municipality are proved and he is responsible for loss caused to the Government for an amount of Rs.29,920/- (Rupees twenty nine thousand and nine hundred and twenty only), as he has failed to inspect all the ILCS Units entrusted whether the units constructed were in accordance with the norms issued under the ILCS Scheme and also he has allowed payment for in eligible units as eligible units.

4. Government have examined the report and communicated a copy of the Enquiry Report to the charged officer viz., Sri Md.Hussain, Sanitary Inspector, the then Nodal Officer, ILCS Scheme in Pithapuram Municipality to offer his explanation on the findings of the Enquiry

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Officer in the reference 4th read above. The Charged Officer has submitted his explanation in the reference 5th read above. The explanation of Sri Md.Hussain, Sanitary Inspector(Retd), the then Nodal Officer , ILCS Scheme in Pithapuram Municipality has been examined and found that the explanation of the charged officer has no new points on the findings of the Inquiring Authority. It is therefore provisionally decided to impose punishment of 5% cut in pension for a period of two years besides recovery of Rs.29,920/- (Rupees twenty nine thousand, nine hundred and twenty only) for the loss caused to the Government for his failure to inspect all the ILCS Units entrusted whether the units constructed were in accordance with the norms issued under the ILCS Scheme, and also he has allowed payment for ineligible units as eligible units.

5. Accordingly, a show cause notice was issued in the reference sixth read above to Sri Md.Hussain, Sanitary Inspector(Retd), Pithapuram Municipality on the proposed punishment of 5% cut in pension for a period of two years besides recovery of Rs.29,920/- (Rupees twenty nine thousand, nine hundred and twenty only) in terms of Rule 9 of A.P. Revised Pension Rules, 1980 . The Charged officer has submitted his explanation.

6. Aggrieved to the above, Sri Md.Hussain, Sanitary Inspector(Retd) has filed O.A.No.7118/2010 in the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad with a prayer to set aside the impugned orders in the reference sixth read above. The Hon'ble Tribunal in its orders dt.8.10.2010 has stayed impugned order dt.10.9.2009.

7. In the reference eighth read above, the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad has passed orders in MA.No.195/2011 in O.A.No.7118/2010 filed by Sri Md.Hussain, Sanitary Inspector(Retd) as follows:

“The Respondents are directed to release the D.C.R.G. and all other pensionary benefits which are due to the applicant by retaining an amount of Rs.29,920/- from the D.C.R.G. for which the applicant is entailed as per rules within a periods of four weeks from the date of receipt of a copy of this order. The respondents are also directed to retain the amount of 5% of the pension of the applicant for a period of two years. ”

8. In pursuant to orders of Hon'ble Andhra Pradesh Administrative Tribunal orders in MA.No.195/2011 in O.A.No.7118/2010 filed by Sri Md.Hussain, Sanitary Inspector(Retd), Government hereby release the D.C.R.G., and all other pensionary benefits to Sri Md.Hussain, Sanitary Inspector(Retd), Pithapuram Municipality duly retaining an amount of Rs.29,920/- from the D.C.R.G. and also retaining five percent (5%) of the pension for a period of two years as per the Hon'ble APAT orders.

9. The Director of Municipal Administration, Hyderabad shall take necessary action, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.SAM BOB
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri Md.Hussain, Sanitary Inspector(Retd), Pithapuram Municipality -
through the Director of Municipal Administration, Hyderabad
The Director of Municipal Administration, Hyderabad.(He is also
requested
to file counter affidavit in the above OA for passing final orders by the
Hon'ble Tribunal)
The Accountant General, A.P. Hyderabad.

Copy to :-

Sri S.A.Khader, Advocate, Flat No.601, Thota Plaza, Vijayanagar
Colony, Hyderabad-500057.
The Government Pleader for MA&UD(S),
A.P. Administrative Tribunal, Hyderabad.
The PS to M(MA)
SF /SC

//FORWARDED: BY ORDER//

SECTION OFFICER